

APPENDIX B

Agency Correspondence



July 18, 2001

Randy Krichbaum
Eagle Cap Consulting Inc
4130 SW 117th #148
Beaverton OR 97005

**SUBJECT: Pacific Winds Inc – Maiden Wind Power Project, Yakima & Benton Counties
(T11N R23E S12,13; T11N R24E S07-10,16-18)**

We've searched the Natural Heritage Information System for information on rare plant species, select rare animal species, and high quality ecosystems in the vicinity of your project. Currently we have no information on significant natural features in your project area.

However, we do have information on three high quality ecosystems (Wyoming big sagebrush / bluebunch wheatgrass, threetip sagebrush / Idaho fescue, and threetip sagebrush / bluebunch wheatgrass) and a Review:Group 1 status plant species (*Astragalus conjunctus* var. *rickardii*, Idaho milk-vetch) occurring on the Hanford Site just east of your project area. You must contact the officials on the Hanford Site for permission to visit the sites.

The information provided by the Washington Natural Heritage Program is based solely on existing information in the database. There may be significant natural features in your study area of which we are not aware. These data are being provided to you for informational and planning purposes only - the Natural Heritage Program has no regulatory authority.

The Washington Natural Heritage Program is responsible for information on the state's rare plants as well as high quality ecosystems. We have begun to add to our database information on selected groups of animals of conservation concern, such as freshwater mussels, butterflies and bats. However, to ensure that you receive information on all animal species of concern, please contact Priority Habitats and Species, Washington Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091, or by phone (360) 902-2543.

I can be reached at (360) 902-1667 if you have any questions.

Sincerely,

Sandy Swope Moody, Environmental Coordinator
Washington Natural Heritage Program
PO Box 47014
Olympia WA 98504-7014

Enclosures



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services

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June 18, 2001

Randall Krichbaum
Eagle Cap Consulting, Inc.
4130 SW 117th #148
Beaverton, Oregon 97005

RE: Species List Request: Benton and Yakima Counties
FWS Reference: 01-SP-E0351

Dear Mr. Krichbaum:

This responds to your May 18, 2001, request for a list of threatened and endangered species that may occur in the vicinity of the proposed installation of 167 wind turbines south of the Hanford Site in Benton and Yakima Counties, Washington. Please use the above reference number for all future correspondence regarding this project.

We have reviewed the information you provided. Our records indicate that the following listed and candidate species may occur in the vicinity of the project and could potentially be affected by it:

Listed Species

Threatened

Ute ladies'-tresses (*Spiranthes diluvialis*)

Candidate Species

Western sage grouse (*Centrocercus urophasianus*)

Umtanum wild buckwheat (*Eriogonum codium*)

Mardon skipper (butterfly) (*Polites mardon*)

If there is federal agency involvement in this project (funding, authorization, or other action), the involved federal agency must meet its responsibilities under section 7 of the Endangered Species Act of 1973, as amended (Act), as outlined in Enclosure A. Enclosure A includes a discussion of the contents of a Biological Assessment (BA), which provides an analysis of the impacts of the project on listed and proposed species, and designated and proposed critical habitat. Preparation of a BA is required for all major construction projects. Even if a BA is not prepared, potential project effects on listed and proposed species should be addressed in the environmental review for

this project. Federal agencies may designate, in writing, a non-federal representative to prepare a BA. However, the involved federal agency retains responsibility for the BA, its adequacy, and ultimate compliance with section 7 of the Act.

Preparation of a BA would be prudent when listed or proposed species, or designated or proposed critical habitat, occur within the project area. If the BA determines that a listed species is likely to be affected by the project, the involved federal agency should request section 7 consultation with the U. S. Fish and Wildlife Service (Service). If a proposed species is likely to be jeopardized by the project, regulations require conferencing between the involved federal agency and the Service. If the BA concludes that the project will have no effect on any listed or proposed species, we would appreciate receiving a copy for our information.

Candidate species receive no protection under the Act, but are included for your use during planning of the project. Candidate species could be formally proposed and listed during project planning, thereby falling within the scope of section 7 of the Act. Protection provided to these species now may preclude possible listing in the future. If evaluation of the subject project indicates that it is likely to adversely impact a candidate species, we encourage you to modify the project to minimize/avoid these impacts.

If there is no federal agency involvement in your project, and you determine that it may negatively impact a listed or proposed species, you may contact us regarding the potential need for permitting your actions under section 10 of the Act.

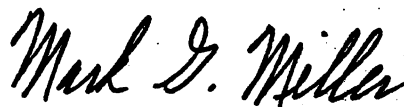
Several species of anadromous fishes that have been listed by the National Marine Fisheries Service (NMFS) may occur in the project area. Please contact NMFS in Seattle, Washington, at (206) 526-6150, in Portland, Oregon, at (503) 231-2319, or in Boise, Idaho, at (208) 378-5696 to request a list of these species.

If you would like information concerning state listed species or species of concern, you may contact the Washington Department of Fish and Wildlife, at (360) 902-2543, for fish and wildlife species; or the Washington Department of Natural Resources, at (360) 902-1667, for plant species.

This letter fulfills the requirements of the Service under section 7 of the Act. If the project plans change significantly, or if the project is delayed more than 90 days, you should request an update to this response.

Thank you for your efforts to protect our nation's species and their habitats. If you have any questions concerning the above information, please contact Gregg Kurz at (509) 754-8580.

Sincerely,

A handwritten signature in cursive script that reads "Mark G. Miller".

Supervisor

Enclosure

Enclosure A

Responsibility of Federal Agencies under Section 7 of the Endangered Species Act

Section 7(a) - Consultation/Conferencing

- Requires: 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
- 2) Consultation with the U.S. Fish and Wildlife Service (Service) when a federal action may affect a listed species to ensure that any action authorized, funded, or carried out by a federal agency will not jeopardize the continued existence of listed species, or result in destruction or adverse modification of critical habitat. The process is initiated by the federal agency after determining that the action may affect a listed species; and
- 3) Conferencing with the Service when a federal action may jeopardize the continued existence of a proposed species, or result in destruction or adverse modification of proposed critical habitat.

Section 7(c) - Biological Assessment for Major Construction Activities

Requires federal agencies or their designees to prepare a Biological Assessment (BA) for major construction activities¹. The BA analyzes the effects of the action, including indirect effects and effects of interrelated or interdependent activities, on listed and proposed species, and designated and proposed critical habitat. The process begins with a request to the Service for a species list. If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the list should be verified with the Service. The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable between the Service and the involved federal agency).

We recommend the following for inclusion in a BA: an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if listed or proposed species are present; a review of pertinent literature and scientific data to determine the species' distribution, habitat needs, and other biological requirements; interviews with experts, including those within the Service, state conservation departments, universities, and others who may have data not yet published in scientific literature; an analysis of the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; and an analysis of alternative actions considered. The BA should document the results of the impacts analysis, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not any listed species may be affected, proposed species may be jeopardized, or critical habitat may be adversely modified by the project. Upon completion, the BA should be

forwarded to the Service.

Major concerns that should be addressed in a BA for listed and proposed animal species include:

1. Level of use of the project area by the species, and amount or location of critical habitat;
2. Effect(s) of the project on the species' primary feeding, breeding, and sheltering areas;
3. Impacts from project construction and implementation (*e.g.*, increased noise levels, increased human activity and/or access, loss or degradation of habitat) that may result in disturbance to the species and/or their avoidance of the project area or critical habitat.

Major concerns that should be addressed in a BA for listed or proposed plant species include:

1. Distribution of the taxon in the project area;
2. Disturbance (*e.g.*, trampling, collecting) of individual plants or loss of habitat; and
3. Changes in hydrology where the taxon is found.

Section 7(d) - Irreversible or Irretrievable Commitment of Resources

Requires that, after initiation or reinitiation of consultation required under section 7(a)(2), the Federal agency and any applicant shall make no irreversible or irretrievable commitment of resources with respect to the action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives which would avoid violating section 7(a)(2). This prohibition is in force during the consultation process and continues until the requirements of section 7(a)(2) are satisfied.

¹ A major construction activity is a construction project, or other undertaking having similar physical impacts, which is a major action significantly affecting the quality of the human environment as referred to in the National Environmental Policy Act [42 U.S.C. 4332 (2)(c)].